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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

Rome, Italy, January 16, 1948

Vernon G. Setser, Esquire,
Chief, Commercial Treaty Section,
Commercial Policy Division,
Department of State,
Washington.

Dear Vernon:

Further to my letter yesterday, which was somewhat rushed, let me thank you for the careful reading you made of the English text, resulting in your A-17 of January 9. You will have observed that most of the errors occurred in those articles which we had to change on the basis of the December 23 meeting and which we literally carried from typewriter to mimeograph room to mail room without a chance to correct carefully. A number of your corrections, however, were new to us and thus most helpful.

Melano is going to have the Italian translation printed up in proof and we will then go over it carefully once more for the smaller points. As you look it over, don't worry about typographical errors, possibly omitted words, punctuation, etc.

I attach a copy of the special Minutes on Drafting Subcommittee clarifications. It will be easy to add anything to this if the Department desires.

Sincerely yours,

Gardner

H. Gardner Ainsworth
Second Secretary

Enclosure:
Minutes of January 13, 1948

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REVIEWED BY <i>J. M. Ainsworth</i>	DATE <i>1/23/48</i>
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January 13, 1948

SUMMARY MINUTES

Meetings of Drafting Sub-Committee in Negotiations Between the United States and Italian Delegations for a Treaty of Friendship, Commerce and Navigation

Approved:

Participants:

For the United States: Mr. Ainsworth.

For Italy: Messers. De Rossi, Ippolito, Melano.

The above-mentioned members of the Drafting Sub-Committee, charged with final preparation and comparison of the English and Italian texts of the Treaty of Friendship, Commerce and Navigation, after a series of twelve meetings, concluded today, have agreed on the following clarifications and interpretations:

1. Wherever the word vigenti is used in the Italian text as equivalent to the English word "applicable" in phrases such as "in conformity with applicable laws and regulations", it is understood that the word does not refer merely to "existing" laws and regulations, or merely to those "in effect". It is understood, in any case, that when such phrases are used in connection with the national treatment rule, the laws and regulations are not to be more burdensome on United States nationals in Italy than on Italian nationals, and when used in connection with the most-favored-nation standard, the laws and regulations are not to be more burdensome on United States nationals in Italy than on the nationals of any third country.

2. Wherever the word uguale is used in the Italian text as equivalent to the English word "like", it is understood that the Italian word does not necessarily mean "the very same" or "identical" article, case, circumstance, etc. On the other hand, it is understood that the word "like" is somewhat more restrictive in sense than the word "similar", which is translated as similare when used in the English text.

3. When

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3. When the words attività industriali are used in the Italian text as equivalent to the English word "manufacturing", as for example in Article I, paragraph 2(a), and in the Protocol, paragraph 2, it is understood that the Italian phrase is intended in its more restricted sense, as relating to the production of goods, and not as a generic term which might refer to non-productive activities or to the rendering of services.

4. In Article XVI, paragraph 2, it is understood that, although the English phrase "articles grown, produced or manufactured" has not been reproduced in its entirety in the Italian text in all places where it appears in the English text, the use of the single Italian word prodotte, or in one case la produzione, is intended to refer to all articles, whether "grown, produced or manufactured".

5. In Article XXIV, paragraph 1(b), it is understood that in the phrase dal loro carattere di opere d'arte o di antichità d'interesse nazionale, the words d'interesse nazionale refer both to works of art as well as to antiquities.

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INCOMING TELEGRAM

DEPARTMENT OF STATE—DIVISION OF COMMUNICATIONS AND RECORDS

TELEGRAPH BRANCH

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Action: ITP

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FROM: Rome

TO: Secretary of State

NO: 207, January 16, 7 p.m.

"Commercial treaty 30.

Revision of Italian translation treaty text completed January 13 and copies remaining articles plus December 23 minutes departed air pouch this morning addressed Commercial Treaty Section CP. Dept's 17 A-17 January 9 received. Article III corrected per DEPTTEL 3, January 2.

Embassy airmailing also copies special minutes prepared regarding meetings drafting subcommittee to clarify five points (vigenti; use of uguale for like; use of attivita industriale for manufacturing; clarification that opere d'arte and antichita both modified by d'interesse nazionale; and explanation regarding article XVI paragraph two). Further matters could be added to minutes if Dept has suggestions.

On Italian translation Embassy raises two further questions:

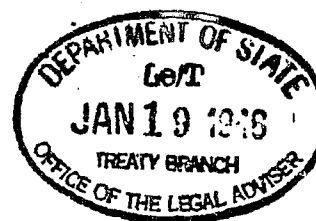
One. In article XXIV paragraph one (F) final phrase we assume that "comparable" modifies "contingencies" and not "transactions".

Two. Article XXIV paragraph three (C) far from clear. What is intended by phrase "including a trade area of substantial size"? We assume that "having" refers to "agreement". We translate "intercourse" as rapporti (relations) rather than as "scambi" (interchange but usually in sense of trade and thus repetitive).

Control 4896

Rec'd January 17, 1948
4:44 a.m.

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